HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
and
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL NO.765 OF 2007

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Between:
M/s.M.K.R.Air Conditioning & Refrigeration Works,
represented by its Managing Partner V.C.Malla Reddy.

.....Appellant

AND

Regional Labour Commissioner (Central) &
Authority under Minimum Wages Act, 1948, ATI
Campus, Vidyanagar, Hyderabad and 2 others.

.....Respondents

::JUDGMENT::

Counsel for the Appellant : Ms.V.Uma Devi

Counsel for Respondent No.3 : Sri M.Surender Rao

Dated 18.9.2007

Per Sri G.S.Singhvi, CJ

This is an appeal for setting aside order dated 23.7.2007 passed by the learned Single Judge in W.V.M.P.No.1807 of 2006 in W.P.M.P.No.260 of 2006 in W.P.No.216 of 2006 whereby he confirmed interim stay granted on 7.8.2006 subject to the condition that the petitioner (the appellant) shall deposit half of the amount awarded by the authority under the Minimum Wages Act, 1948 within eight weeks, else the interim stay shall stand vacated. The learned Single Judge also gave liberty to the members of respondent No.3 to withdraw the amount without furnishing any security.

In the writ petition filed by it, which is pending adjudication before the learned Single Judge, the appellant has questioned the legality of order dated 6.11.2005 passed by Regional Labour Commissioner (Central) and Authority under Minimum Wages Act, 1948 (for short 'respondent No.4'). The case set up by the appellant is that the order passed by respondent No.1 under the Minimum Wages Act, 1948 suffers from want of jurisdiction and that there was no jurisdiction to impose penalty.

We have heard Ms.Uma Devi, learned counsel for the appellant and Sri M.Surender Rao, learned counsel for respondent No.3 and perused the record.

Since the writ petition filed by the appellant is yet to be adjudicated, we do not consider it proper to express any opinion on the merits of the appellant's challenge to the order passed by respondent

No.1. However, we are convinced that the direction given by the learned Single Judge to the appellant to deposit 50% of the amount awarded by the Regional Labour Commissioner, as a condition precedent, for confirming ad interim order dated 7.8.2006 passed in W.P.M.P.No.260 of 2006 does not suffer from any jurisdictional infirmity or patent error warranting interference under Clause 15 of Letters Patent except that the liberty given by him to the workman to withdraw 50% amount without furnishing security calls for modification.

Sri M.Surender Rao, learned counsel for respondent No.3, which is a representative union of the workers fairly states that the Court may impose the condition of furnishing security for withdrawal of the amount deposited by the appellant.

In view of the above, the appeal is dismissed subject to the condition that the workmen shall be entitled to withdraw the amount deposited pursuant to the direction given by the learned Single Judge after furnishing adequate security to the satisfaction of respondent No.1.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.1524 of 2007 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY,J

Dt.18.9.07.
msv